

The Claims 1-2 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Harp, Jr.* (U.S. 5,585,612) in view of *Walker, et al.* (U.S. 6,443,843). In response to a previous Office Action filed June 11, 2004 Applicant explained its position that *Harp, Jr.* does not disclose the use of two different physical actions to input a selection, but rather discloses a device which may in different embodiments use different physical actions to receive a user's selection. This is in contrast to Applicant's invention, which utilizes in a single device that may utilize two or more different physical actions to receive an input from a user. As Applicant's position has been discussed previously at length, Applicant shall omit a description of Applicants position with regard to *Harp, Jr.* at this time for the sake of brevity.

Examiner further cited *Walker, et al.* as teaching a kiosk that accepts inputs from a user via a first body part, such as a hand, and a second body part, such as vocalization using the vocal cords. While the Examiner cites Col. 2, lines 37-60 of *Walker, et al.* for this position, Applicant respectfully submits, having carefully studied *Walker, et al.* that Examiner and its entirety, Examiner presumably intended to refer to Col. 7, lines 12-20. This portion of *Walker, et al.* states, "also connected to the processor 110 are an input device 130, a display 140 and a printer 150. The input device 130 may be any device for inputting data, such as a keyboard, a touch screen, a mouse, a voice input device, an infrared port, or the like. The input device 130 can be used by personnel to enter data used by the retailer controller 100 in accordance with the present invention, and can be used by an employee or customer to input a selection of a product to the retailer controller 100." While this section of *Walker, et al.*, which is consistent with the remainder of the disclosure of *Walker, et al.*, does teach the use of different types of input devices utilizing different physical actions, it only teaches the use of one such input device at a time. Applicant respectfully notes *Walker, et al.* use of the articles "the" and "an" as an

indication of the singular nature of an input device in the teachings of *Walker, et al.* Moreover, *Walker, et al.* does not elsewhere suggest that differing types of input devices may be used in a single kiosk to facilitate access by individuals with differing physical abilities. Because Applicant's invention, as claimed in claims 1-2 and 21, specifically require both a first input device and a second input device, which is lacking in *Walker, et al.*, Applicant respectfully submits that the present claims are in condition for allowance.

Additionally, *Walker, et al.* appears to be primarily directed to a system that provides game play as part of product purchasing. Such a purpose is very much removed from the voting machine of *Harp, Jr.*, thereby making such a combination inappropriate.

Examiner further rejected claims 3-10 and 22 under 35 U.S.C. §103(a) as unpatentable over *Harp, Jr.* in view of *McClure, et al.* (U.S. 6,250,548). For the reasons stated below, Applicant respectfully requests that the Examiner's rejection be withdrawn and that claim 3-10 and 22 be allowed.

With regard to claims 3 and 9, Applicant has previously stated in detail its position that *Harp, Jr.* does not disclose an apparatus including both a first input device and a second input device. Applicant has also previously submitted its position that the combination of *Harp, Jr.* and *McClure, et al.* is inappropriate for the sake of brevity, Applicant shall not reiterate those arguments at this time, but shall simply refer to its Office Action Response of June 11, 2004. With regard to claim 4, Applicant first notes that Examiner has further combined the *Walker, et al.* in rejecting this claim. For the reasons stated above with regard to claims 1-2 and 21, *Walker, et al.* does not disclose both a first and second input device, nor is the combination of *Walker, et al.* with *McClure, et al.* and *Harp, Jr.* appropriate. Further, as stated in its Office Action of June 11, 2004, *Harp, Jr.*, does not disclose both a first input device and a second input

device, and its combination with *McClure, et al.* is inappropriate. Applicant respectfully requests the allowance of claim 4 for these reasons.

With regard to claim 5, the Examiner rejected claim 5 based upon the combination of *Harp, Jr.* and *McClure, et al.* Applicant again respectfully notes its position that *Harp, Jr.* does not disclose both a first and second input device and that its combination with the *McClure, et al.* is inappropriate. For the sake of brevity, Applicant will simply refer to its arguments above and to its Office Action Response dated June 11, 2004 in this regard.

Examiner rejected claim 6 based upon *Harp, Jr.*, reasoning that *Harp, Jr.* discloses a system with a first, second, and third output device to accommodate voters with disabilities to a plurality of senses. However, Applicant respectfully notes that *Harp, Jr.*, neither alone nor in combination with *McClure, et al.* or *Walker, et al.*, discloses both a first and second input device. Applicant's position in this regard was fully described in its remarks filed on June 11, 2004. Accordingly, Applicant believes claim 6 in condition for allowance.

With regard to claim 7, Examiner rejected claim 7 based upon *Harp, Jr.*, Applicant reason that in light of *Harp Jr.* it would have been obvious to one of ordinary skill in the art to provide an electronic voting system with a third input device to accommodate a users third physical action, different from a first and second physical action. Applicant again respectfully notes, however, that *Harp, Jr.* teaches the use of only one input device, and teaches the use of a different single input device for different embodiments of the invention disclosed therein. Accordingly, Applicant respectfully submits that it would not have been obvious to include both a first and second input device in light of *Harp, Jr.*, much less a third input device.

The Examiner rejected claim 8, in view of *Harp, Jr.* Applicant respectfully notes that, as indicated above with regard to claim 7, *Harp, Jr.* did not teach the use of both a first and

second input device, much less a first, second, and third input device. Accordingly, Applicant respectfully submits that claim 8 is in condition for allowance.

With regard to claim 10, the Examiner rejected the claim as unpatentable over *Harp, Jr.* in view of *McClure, et al.* However, as Applicant has previously noted, *Harp, Jr.* does not disclose the use of both a first and second input device. For this reason, Applicant respectfully submits that claim 10 is condition for allowance.

With regard to claim 22, Examiner cites *Harp, Jr.* as disclosing both a first input device and a second input device using a physical action other than a hand motion. Examiner specifically cites Col. 4, lines 10-17 of *Harp, Jr.* for this disclosure. However, Applicant respectfully submits, as more fully described in Applicant's June 11, 2004 remarks that the portion cited by Examiner merely refers to a function of using a switch to indicate a vote on an electronic voting machine and thereafter locking and casting the votes by depressing a button. In this example, only a single physical action, the pushing of a switch, is used to indicate a selection. Accordingly, Applicant believes that claim 22 is in condition for allowance.

Examiner rejected claims 11-20 and 23 under 35 U.S.C. §103(a) as being unpatentable over *Harp, Jr.* in view of *Walker, et al.*, in view of *McClure, et al.*, in further view of *Sarner, et al.* (U.S. 5,666,765), in further view of *Trotta, et al.* (U.S. 5,072,999).

Applicant respectfully submits, as noted above and in a previous Office Action Response dated June 11, 2004, that *Walker, et al.* does not disclose the use of a first and second input device in a single embodiment. Additionally, as described above and in greater detail in previous Office Action Response dated June 11, 2004, *Harp, Jr.* does not disclose the use of both a first and second input device in a single voting booth. For these reasons, even when combined with *McClure, et al.*, *Sarner, et al.*, and *Trotta, et al.*, *Harp, Jr.* and *Walker, et al.* do not provide

all elements of Applicant's invention as claimed in claims 11-20 and 23. Additionally, as Applicant previously explained in its Office Action Response dated June 15, 2004, Applicant does not believe that the combination of *Harp, Jr., McClure, et al., Sarner, et al.*, and *Trotta, et al.*, is appropriate. For reasons stated above with regard to claims 1-2 and 21, the inclusion of *Walker, et al.* in the combination is even less appropriate, as *Walker, et al.* is directed to a combination of game play and product sales, not a voting booth.

Applicant respectfully requests the allowance of all pending claims. The Examiner is invited to telephone the undersigned if the Examiner believes it would advance the prosecution of the application.

Respectfully submitted,



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